IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 2265 OF 1996

Between:

The SC, ST Employees Welfare Association

Rep.by its General Secretary, M.Chandrasekhar

Rao s/o M.Venkataswamy, aged 36 years,

Occ: Technical Assistant-Automobile Engineer,

NIN (Indian Council of Medical Research) r/o

Jamai Osmania, Hyderabad.

..... PETITIONER

AND

1. The Director General, Indian Council of

Medical Research, Ansarinagar, New Delhi.

2. The Director (Officer i/c) National Institute

of Nutrition, Taranaka, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Mandamus declaring the action of the respondent No.2 in filling up the post of Stores Officer by candidates other than Scheduled Caste/Scheduled Tribe pursuant to the notification No. NIN/Appointments/95-96, dt 25-0-995 issued by the 2nd respondent is arbitrary, illegal and violative of Articles 14, 5(4) and 2 of the Constitution of India and consequently direct the respondents to fill up the post of Stores Officer only by the

candidates belongs to Scheduled Caste candidate in the respondent organization.

For the Petitioner: Mr. G.Chandraiah, Advocate

For the Respondent No.1&2: Mr. China Basappa Desai, Advocate

The Court Made the Following :

:: ORDER ::

By the notification of the Government of India in GSR 748(E) published in the Gazette of India (Extraordinary), dated 7.12.998 the Indian Council of Medical Research is one of the organisations brought under the adjudicatory jurisdiction of the Central Administrative Tribunal, constituted under the provisions of the Administrative Tribunals act 1985.

The petitioner-Association has filed the writ petition for a declaration that the action of the respondent No.2 in filling up the post of Stores Officer by candidates other than Scheduled Caste/Scheduled Tribe pursuant to the notification No. NIN/Appointments/95-96, dt 25-0-995 issued by the 2nd respondent, is arbitrary, illegal and violative of the relevant provisions of the Constitution of India and for a consequential direction to the respondents to fill up the post of Stores Officer only by the candidates belonging to Scheduled Castes, in the respondent organization.

It is the conceded factual scenario that the 2nd respondent is under the administrative control of the Director General of the Indian Council of Medical Research, which organization is a notified organization as per the Government of India's notification referred to above. After the said notification therefore, the service disputes pertaining to the Indian Council of Medical Research would fall for adjudication, in the first instance, only before the Central Administrative Tribunal and cannot be pursued here u/Art. 226 of the Constitution, in view of the decision of the Supreme Court in ***L.Chandra Kumar vs Union of India ().*** The writ petition is thus not maintainable. The writ petition is accordingly dismissed. The petitioner is at liberty to pursue his remedies before the Central Administrative Tribunal. No costs.

Date: 30.09.2004 ----------

Pvsn Justice G.Raghuram

Copy to

1. The Director General, Indian Council of Medical Research, Ansarinagar, New Delhi.

2. The Director (Officer i/c) National Institute of Nutrition, Taranaka, Hyderabad.

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